

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	CRIMINAL ACTION
	:	
v.	:	NO. 03-324-1
	:	
JAMES MCNAMARA,	:	CIVIL ACTION
Defendant.	:	
	:	NO. 06-3422

Order

AND NOW on this 14th day of April 2009, upon careful consideration of defendant James McNamara's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 (Doc. No. 59), the government's response thereto, defendant's reply, the evidentiary hearings, and defendant's and government's supplemental memoranda, **IT IS HEREBY ORDERED** that:

- (1) Defendant's motion to vacate, set aside, or correct sentence is **DISMISSED** in part and the balance **DENIED**;
- (2) The Clerk shall **CLOSE** this case for statistical purposes; and
- (3) Defendant having failed to make a substantial showing of the denial of a constitutional right, there is no ground to issue a certificate of appealability.

s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge